

Planning Staff Analysis

FR22-0007

Rayzor Ranch East, Lot 4R-1, Block A

Planning & Zoning Commission

REQUEST:

Approval of a Final Replat for Rayzor Ranch East, Lot 4R-1, Block A.

APPLICANT:

BGE, Inc., on behalf of Jeff Lindsey

RECOMMENDATION:

Staff recommends denial of this plat as it does not meet the established criteria for approval. Refer to Final Replat review approval criteria in the table below.

Final Replat Review Approval Criteria

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | Compliance | | |
|--|-------------------------------------|-------------------------------------|--------------------------|
| | Met | Not Met | N/A |
| 1. Generally 1. Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below. Findings: As discussed in specific criteria below, the proposed application does not comply with all general review criteria | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9. Findings: The final replat complies with all additional review criteria as noted below. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5-2.9 controls. Findings: There is no conflict. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Prior Approvals | | | |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | Compliance | | |
|---|-------------------------------------|--------------------------|-------------------------------------|
| | Met | Not Met | N/A |
| <p>a. The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, development agreement, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.</p> <p>Findings:</p> <div data-bbox="257 411 1041 485" style="border: 1px solid black; padding: 5px;"> <p>The final plat is consistent with the zoning and the approved zoning compliance plan.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>3. Consistent with Comprehensive Plan and Other Applicable Plans</p> <p>The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.</p> <p>Findings:</p> <div data-bbox="257 707 1003 813" style="border: 1px solid black; padding: 5px;"> <p>The Denton 2040 Comprehensive Plan designates the subject property as Community Mixed-Use which is consistent with the proposed multifamily use.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</p> <p>Findings:</p> <div data-bbox="257 1003 975 1034" style="border: 1px solid black; padding: 5px;"> <p>There are no competing plan goals, policies, and strategies.</p> </div> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b. May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.</p> <p>Findings:</p> <div data-bbox="257 1256 1011 1320" style="border: 1px solid black; padding: 5px;"> <p>The overall goals of the Denton 2040 Comprehensive Plan are met with this use.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | Compliance | | |
|--|--------------------------|-------------------------------------|--------------------------|
| | Met | Not Met | N/A |
| 4. Compliance with this DDC <ul style="list-style-type: none"> a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified. | | | |
| Findings: <p>All applications shall include all required information requested by the Director of staff to demonstrate compliance with City codes per DDC Section 2.4.4B. The proposed Final Replat does not comply with all applicable DDC standards and requirements from the Final Plat Checklist as detailed below:</p> <ol style="list-style-type: none"> 1. Include the city-assigned project number, FR22-0007, within the title block. (Checklist 1.1) 2. Use bold text font for the property boundaries and street boundaries. (Checklist 1.8) 3. Provide a legend for all abbreviations, graphic symbols, and line types used. Include definitions for E.E. and P.S.E. in legend. (Checklist 1.10) 4. Label type and size of boundary monuments and label as found or set for all property corners, points of intersection and points of curvature/tangency. Provide basic monumentation in order to determine location of public improvements. (Checklist 1.11) 5. Label line and curve data to match legal description. Legal description and plat do not match on middle west property line. Revise. (Checklist 2.2) 6. Label and dimension all lots and blocks. Include the areas expressed in square feet and acres. (Checklist 2.3) 7. Show, label, and dimension all existing and proposed easements. Add minimum and maximum widths to all variable-width easements. Tie all proposed easements dedicated by plat of separate instrument to property corners so that they can be recreated in the field by others. Provide line and curve data for easement boundaries and tie down easements. Provide recording information for existing easements. (Checklist 2.4) 8. Label minimum finish floor elevation for each pad site on any lot adjacent to (and within 200 feet of) a floodplain. (Per 7.5.I.3 of the City Development Code, the minimum finished floor elevations, the datum used, and the source of the elevation information shall be labeled on the final plat where required. Vertical datum used for the minimum finished floor elevations shall be the same as the datum used to establish 100-year base flood elevations.) (Checklist 2.6) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | Compliance | | |
|--|------------|---------|-----|
| | Met | Not Met | N/A |
| <p>All applications shall include all required information requested by the Director of staff to demonstrate compliance with City codes per DDC Section 2.4.4B. The proposed Final Replat does not comply with all applicable DDC standards and requirements from the Final Plat Checklist as detailed below:</p> <p>9. Label the exact location, dimension, and centerline (with dimension from centerline to edge of existing or proposed ROW) of existing public ROW intersecting or contiguous with boundary or forming such boundary. Display the centerline of proposed ROW with (full width) dimension (and) from centerline to the edge of proposed ROW. Provide (and/or correct) dimensions and centerline references for all existing and proposed right of way. (Checklist 2.8)</p> <p>10. Include specific dedication language for floodway, drainage and detention easements. Restrictions of easements shall be described on the final plat and approved by the City. (Checklist 5.2)</p> <p>11. A maintenance easement shall be granted to the city and shall grant the right but not the obligation to maintain and construct drainage facilities if the stream or drainage way is not being properly maintained. The maintenance entity's by-laws and covenants filed of record shall provide for ongoing maintenance. The easement shall authorize a lien against individual abutting lots in favor of the city to secure the payment to the city for any expenses incurred by the city in the event of default or to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the stream or drainage way. Streams and drainage ways may be retained as a part of a nonresidential lot, and it shall be the property owner's responsibility to maintain this area as set forth by easement, except as otherwise provided. (DDC 7.5.3.I.2.a)</p> <p>12. Adequate floodplain and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the stream or drainage way. (DDC 7.5.3.I.2.a)</p> <p>13. A drainage or floodplain easement shall be dedicated as a single lot to the city or other legal entity as allowed by DDC subsection 7.5.3. (DDC 7.5.3.I.2a).</p> | | | |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | | Compliance | | |
|--|--|-------------------------------------|--------------------------|--------------------------|
| | | Met | Not Met | N/A |
| | <p>All applications shall include all required information requested by the Director of staff to demonstrate compliance with City codes per DDC Section 2.4.4B. The proposed Final Replat does not comply with all applicable DDC standards and requirements from the Final Plat Checklist as detailed below:</p> <p>14. All utility easements shall be a minimum of 16 feet, unless special circumstances warrant additional or reduced easements which can be approved by the City Engineer, in consultation with the Directors of Water and Wastewater Utilities. The general criteria to define minimum easement widths are listed in Table 7.B: Minimum Easement Widths of the DDC. (DDC 7.6.7.A)</p> <p>15. No preliminary or final plat application shall be approved unless the applicant demonstrates that there will be an adequate sanitary sewer system to serve the subdivision concurrent with development. The applicant shall demonstrate that the sanitary sewer system serving the development will be adequate at the time of preliminary plat approval for development within the city limits, or at the time of final plat approval for developments within the city's extraterritorial jurisdiction. Where a development plan or phased preliminary plat is proposed, the applicant shall demonstrate that each phase of the development shall be served by an adequate sanitary sewer system under this standard. The approach main shall be extended to serve the entire development subject to a development plan or phased preliminary plat prior to the time of final plat approval for the second phase of the development plan or phased preliminary plat, unless the extension is part of a funded capital improvement project that the city has initiated consistent with its adopted Capital Improvement Plan for wastewater facilities. Adequacy of treatment facilities cannot be demonstrated by reliance upon package treatment plants. (DDC 8.4.11)</p> | | | |
| b. | Compliance with these standards is applied at the level of detail required for the subject submittal. | | | |
| | Findings: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | The final replat was submitted at the appropriate level of detail but does not comply with all applicable DDC standards as detailed in above. | | | |
| 5. Compliance with Other Applicable Regulations | | | | |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | Compliance | | |
|--|-------------------------------------|--------------------------|-------------------------------------|
| | Met | Not Met | N/A |
| <p>a. The proposed development shall comply with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions. This includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The proposed development complies with all other applicable regulations.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>6. Consistent with Interlocal and Development Agreements</p> <p>a. The proposed development shall be consistent with any adopted interlocal and applicable development agreements and comply with the terms and conditions of any such agreements incorporated by reference into this DDC.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>There are no interlocal or development agreements applicable to this property.</p> </div> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>7. Minimizes Adverse Environmental Impacts</p> <p>a. The proposed development should be designed to minimize negative environmental impacts and should not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The proposed development is not expected to have an adverse environmental impact.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>8. Minimizes Adverse Impacts on Surrounding Property</p> <p>a. The proposed development should not cause significant adverse impacts on surrounding properties. The results of the citizen participation process may be appropriately considered under this section.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The proposed development is not expected to have an adverse impact on surrounding properties.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>9. Minimizes Adverse Fiscal Impacts</p> <p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | Compliance | | |
|---|-------------------------------------|--------------------------|-------------------------------------|
| | Met | Not Met | N/A |
| Findings: <div style="border: 1px solid black; padding: 5px;"> <p>The proposed development is not expected to result in any significant adverse fiscal impacts on the city.</p> </div> | | | |
| 10. Compliance with Utility, Service, and Improvement Standards | | | |
| <p>a. As applicable, the proposed development shall comply with federal, state, county, service district, city and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.</p> | | | |
| Findings: <div style="border: 1px solid black; padding: 5px;"> <p>All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B and DME Electric Service Standards. The proposed final replat complies with these standards.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Provides Adequate Road Systems | | | |
| <p>a. Adequate road capacity shall exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.</p> | | | |
| Findings: <div style="border: 1px solid black; padding: 5px;"> <p>Adequate road capacity exists external to the site and internal accessways will be constructed to provide adequate access for all emergency services.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Provides Adequate Public Services and Facilities | | | |
| <p>a. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, utilities, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.</p> | | | |
| Findings: <div style="border: 1px solid black; padding: 5px;"> <p>The applicant will construct off-site public stormwater facilities to account for the expected increase of runoff. All other public services have the capacity to serve this development.</p> </div> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Rational Phasing Plan | | | |
| <p>a. If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E) | | | Compliance | | |
|--|-----|---------|------------|--|--|
| | Met | Not Met | N/A | | |
| <p>required for that phase, and may not defer those improvements to subsequent phases.</p> <p>Findings:</p> <p>No phasing plan is proposed.</p> | | | | | |

| Replat Approval Criteria (DDC Section 2.6.7D) | | Compliance | | |
|--|-------------------------------------|-------------------------------------|--------------------------|--|
| | Met | Not Met | N/A | |
| <p>In reviewing a preliminary plat application, the Planning and Zoning Commission shall consider the general approval criteria in Subsection 2.4.5 and whether the replat:</p> | | | | |
| <p>1. Is consistent with the intent of the underlying zoning districts;</p> <p>The replat is consistent with the RRO District zoning.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>2. Complies with applicable dimensional and development standards in this DDC;</p> <p>The replat is consistent with the applicable dimensional and development standards except as noted in the general criteria for approval above.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <p>3. Does not affect a recorded easement without approval from the easement holder;</p> <p>The replat does not affect recorded easements without approval from the easement holder.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>4. Will not result in adverse impacts to surrounding property;</p> <p>The proposed development is not expected to have an adverse impact on surrounding properties.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>5. Will not limit the City's ability to provide adequate and sufficient facilities or services; and</p> <p>The replat will not limit the City's ability to provide facilities or services.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>6. Complies with all other ordinances and plans and regulations adopted by the City, includig the</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| Replat Approval Criteria (DDC Section 2.6.7D) | Compliance | | |
|---|------------|---------|-----|
| | Met | Not Met | N/A |
| Comprehensive Plan and other long-range or special purpose area planning documents. | | | |
| <p>The replat complies with the Comprehensive Plan and all other City regulations except for the deficiencies noted in the general criteria for approval above.</p> | | | |